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92-00109



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January 15, 1992

Honorable Neva C. Conway
Judge, Municipal Court
Town of Whitehall
415 East Commerce Street, Suite 103
Post Office Drawer 98
Greenville, AL 36037

Municipalities - Fines -
Ordinances - Traffic Offenses -
Rules of Judicial Administration

A municipality has no authority
to establish a fine schedule
for traffic offenses which is
different than the schedule set
out in Rule 20(A), Alabama
Rules of Judicial Administra-
tion.

Dear Judge Conway:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTION

May a municipality, by ordinance or
judicial order, establish a fine schedule
for traffic offenses to be collected by a
magistrate which is different than the
schedule set out in Rule 20(A), ARJA?

FACTS AND ANALYSIS

Code of Alabama 1975, § 12-12-55, provides in part as
follows:

"Schedules of fines to be imposed for traffic infractions shall be established by law or rule."

The Constitution of Alabama of 1901, Amendment No. 328, § 6.11 provides:

"The supreme court shall make and promulgate rules governing the administration of all courts and rules governing practice and procedure in all courts; . . . These rules may be changed by a general act of statewide application."

The Alabama Supreme Court pursuant to Rule 20, Alabama Rules of Judicial Administration, has established a fine schedule for traffic infractions which is mandated for magistrates. Subsection (A) of Rule 20 sets forth a list of fines that must be applied in municipal, as well as district, court cases. Subsection (C) of the Rule provides:

"A municipality may, by municipal ordinance, establish a schedule of fines that shall apply in other minor ordinance violations not included in (A) wherein a defendant elects to plead guilty before a magistrate." (Emphasis added.)

In Opinion of the Clerk, 436 So.2d 834 (Ala. 1983), the Supreme Court Clerk stated that the specific grant of authority to municipalities to extend the schedule of traffic offenses implies that a municipality has a limited authority to extend the schedule of fines for additional offenses which are not included in the schedule. If a municipality had the authority to adopt a fine schedule different from that set out in Rule 20(A), the specific authority given to municipalities in subsection (C) would be unnecessary. Furthermore, the Rules of Judicial Administration are preemptive and may be changed only by the Supreme Court or by a general act of statewide application. Green v. Austin, 425 So.2d 411 (Ala. 1982); see also, opinion to Honorable Marc Sandlin, District Attorney, dated July 30, 1981, Opinion No. 81-00472.

CONCLUSION

A municipality has no authority to establish a fine schedule for traffic offenses which is different than the


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schedule set out in Rule 20(A), Alabama Rules of Judicial
Administration.

I hope this sufficiently answers your question. If our
office can be of further assistance, please do not hesitate to
contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:



JAMES R. SOLOMON, JR.
Chief, Opinions Division

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